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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,370

07/18/2003

Mark D. Tucker

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20567

7590

06/16/2005

EXAMINER

ANTHONY, JOSEPH DAVID

SANDIA CORPORATION

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ALBUQUERQUE, NM 87185-0161

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,370

Applicant(s)

TUCKER ET AL.

Examiner

Joseph D. Anthony

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 12-16, 22-24, 32 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17-21, 25-31, 33-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 17-21, 25-31, 33-35 and 37-38, drawn to a formulation for use in neutralization of a toxant, classified in class 252, subclass 186.38.
 - II. Claims 12-16, 22024, 32 and 36, drawn to a formulation packaged in a kit configuration, classified in class 206, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are patentable distinct inventions because Invention I is drawn to a composition, whereas Invention II is drawn to a kit that has three compartments each holding different premix component that when mixed together would make the final formulation of Invention I. It is clear that these two inventions can be readily patentable over each other and that the particulars of the Invention II (e.g. the three separate compartments) are not required to make Invention I
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Robert D. Watson on 03/02/05 a provisional election was made with traverse to prosecute the invention of Group I,

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claims 1-11, 17-21, 25-31, 33-35 and 37-38. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-16, 22-24, 32 and 36 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-9, 17-21, 27-31 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The component "a sorbent additive" was never defined by applicant in the specification as originally filed. Applicant did list some examples of "sorbent additives", such as those very diverse compounds set forth in claims 10-11, 25-26, 33-34 and 37-38, but applicant never gave

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a definition in regards to the functional property that all "sorbent additives" must have to be within the umbrella of "sorbent additives". Applicant's abstract does disclose that certain "sorbent additives" (e.g. sorbitol or mannitol) are used to "dry out" one or more of the liquid ingredients, but such a function can not be said to be a universal function to all the sorbent additives listed in applicant's claims 10, 25, 33 and 37.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-9, 11, 17-21, 26-31, 34-35 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The component "a sorbent additive" is indefinite because such was never defined by applicant in the specification as originally filed. Applicant did list some examples of "sorbent additives", such as those very diverse compounds set forth in claims 10-11, 25-26, 33-34 and 37-38, but applicant never gave a definition in regards to the functional property that all "sorbent additives" must have to be within the umbrella of "sorbent additives". As such, the metes and bounds of the scope of the "sorbent additive" component is completely unknown.

Claim 2 is indefinite because it uses the trademark "WITCO VARIQUAT 80MCTH". Since it is known that the chemical formulation sold under a particular trademark can change over time, a claim that contains a trademark is inherently indefinite.

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Claim 3 is indefinite because it uses the trademark "JAGUAR 8000TH". Since it is known that the chemical formulation sold under a particular trademark can change over time, a claim that contains a trademark is inherently indefinite.

Claim 19 is indefinite because many of the listed species of "carbonate salt" are not carbonate salts but rather bicarbonate salts.

Claim 7, 21, and 28 are further indefinite because the listed Markush groups contain certain Markush member species listed twice. For claim 7 examples are: 1) "monoacetine (glycerol monoacetate)" in line 3 and "glycerol monoacetate" in line 6, and 2) "diacetine (glycerol diacetate)" in line 3 and "glycerol diacetate (Diacetine)" in line 5.

Claims 11, 26, 34, and 38 are indefinite in regards to the compound representative by the abbreviation "HSH". What is the chemical name of the compound represent Ted by the abbreviation "HSH"?

Claims 20 and 31 are also indefinite in regards to the metes and bounds of the phrase "consisting substantially of". Does said phrase have the same meaning as --consisting essentially of--?

11. Please note that the new matter for the present application S.N. 10/623,370 filed 07/18/2003, which is a CIP application of S.N. 10/251,569 filed 09/20/2002, is deemed to be the "sorbet additive" component as set forth in each independent claim. As such, the effective filing date of applicant's claimed invention is deemed to be the actually filing date of the present application which is 07/18/2003.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-10, 17-21, 25, 27-31, 33, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadros et al. U.S. Patent No. 6,566,574 or Tucker et al. U.S. Patent Number 6,723,890, both patents individually in view of Nakagawa et al US Patent number 3,901,819.

Tadros et al. teach a formulation and method of making that neutralizes the adverse health effects of both chemical and biological compounds, especially chemical warfare (CW) and biological warfare (BW) agents. The formulation of

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the present invention non-toxic and non-corrosive and can be delivered by a variety of means and in different phases. The formulation provides solubilizing compounds that serve to effectively render the chemical and biological compounds, particularly CW and BW compounds, susceptible to attack and at least one reactive compound that serves to attack (and detoxify or kill) the compound. The at least one reactive compound can be an oxidizing compound, a nucleophilic compound or a mixture of both. The formulation can kill up to 99.99999% of bacterial spores within one hour of exposure.

In one embodiment of the patent, the formulation comprises the following compounds.

Range of Concentration

Compound	(wt. % of overall formulation)
one or more of cationic surfactant	0.0-10
long-chain fatty alcohol	0-1
cationic hydrotrope	0.0-10
hydrogen peroxide	0-4
sodium bicarbonate	(<u>a peroxide activator</u> , see column 10, lines 58-66 and claim 21)
	0-4 (Examiner note: sodium bicarbonate reads on applicant's claimed "sorbent additive" of all independent claims and the carbonate salt of independent claim 17))
water soluble polymer	0-10

water 71-91.9, see column 12, line 58 to
column 13, line 15.

EXAMPLE 2, of the patent, teaches the following composition.

Combine the Following in 100 ml Water in the Order Shown 3.84 wt. % WITCO ADOGEN 477.TM. (50%)--Cationic hydrotrope 2.0 wt. % Alcohol mix (36.4 wt. % isobutanol, 56.4 wt. % diethyleneglycolmonobutyl ether, 7.3 wt. % dodecanol)--Long chain fatty alcohol 0.2 wt. % JAGUAR 8000.TM. polymer--Water soluble polymer Hydrochloric acid (to adjust pH to approximately 6.5)--May serve to activate the polymer and cause the mixture to attain desired viscosity 3 wt. % WITCO VARIQUA.TM. 80 MC--Cationic surfactant that may solubilize the chemical agents 1.5 wt. % 1:1 Dodecanol and diethyleneglycolmonobutyl ether--Helps stabilize the foam 2.0 wt. % Hydrogen peroxide 2.0 wt. % Sodium bicarbonate (NaHCO_3)--The hydrogen peroxide and sodium bicarbonate together serve as a strong nucleophile.

Tucker et al. which is a CIP of Tadros et al. U.S. Patent Number 6,566,574, teach a formulation and method of making and using that neutralizes the adverse health effects of both chemical and biological toxants, especially chemical warfare (CW) and biological warfare (BW) agents. The aqueous formulation is non-toxic and non-corrosive and can be delivered as a long-lasting foam, spray, or fog. The formulation includes solubilizing compounds that serve to effectively render the CW or BW toxant susceptible to attack, so that a nucleophilic agent can attack the compound via a hydrolysis or oxidation

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reaction. The formulation can kill up to 99.99999% of bacterial spores within one hour of exposure, see abstract, examples and claims.

Tadros et al and Tucker et al. both individually differ from applicant's claimed invention in that there is no direct disclosure to the further addition of a bleaching activator selected from the group consisting of O-acetyl, N-acetyl, and nitrile group bleaching activators.

Nakagawa et al. teach a composition for activating an inorganic peroxide bleaching agent comprising (A) an acetic acid ester of a monosaccharide, a disaccharide, a sugar alcohol, an internal anhydride of a sugar alcohol, or erythritol, said ester having at least 2 ester groups on the adjacent carbon atoms, and (B) an acetic acid ester of a polyhydric alcohol having a melting point not higher than about 30.degree.C., the weight ratio of the components being within the range of from 1/9 to 9/1. These are O-acetyl type bleach activators.

Nakagawa et al also teaches the conventional use of low water soluble tetracetyl ethylene diamine (TAED) which is a N-acetyl type bleach activator, see abstract, column 2, lines 1-29, Tables, and claims.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Nakagawa et al to O-acetyl and N-acetyl bleach activators for inorganic peroxides, such as percarbonates, as motivation to actually add them as bleaching activators to the chemical and biological neutralization formulations taught by Tadros et al. or Tucker et al. for the oxidation enhancement benefits

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such activators would provide for Tadros et al's or Tucker et al's oxidizing reactive component and the formulations as a whole.

15. Claims 1-10, 17-21, 25, 27-31, 33, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadros et al. WO 02/02192 A1 in view of Nakagawa et al. U.S. Patent Number 3,901,819.

WO teaches formulation for neutralization of chemical and biological toxants. The formulations may comprise mixtures of: 1) one or more of cationic surfactant, 2) long-chain fatty alcohol, 3) cationic hydrotrope, 4) an oxidant, such as hydrogen peroxide, 5) an alkali metal bicarbonate peroxide activator **(Examiner note: alkali metal bicarbonate reads on applicant's claimed "sorbent additive" of all independent claims and the carbonate salt of independent claim 17)**, 6) water soluble polymer, and 7) water, see abstract, examples and claims.

WO differ from applicant's claimed invention in that there is no direct disclosure to the further addition of a bleaching activator selected from the group consisting of O-acetyl, N-acetyl, and nitrile group bleaching activators.

Nakagawa et al. teach a composition for activating an inorganic peroxide bleaching agent comprising (A) an acetic acid ester of a monosaccharide, a disaccharide, a sugar alcohol, an internal anhydride of a sugar alcohol, or erythritol, said ester having at least 2 ester groups on the adjacent carbon atoms, and (B) an acetic acid ester of a polyhydric alcohol having a melting point not

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higher than about 30.degree.C., the weight ratio of the components being within the range of from 1/9 to 9/1. These are O-acetyl type bleach activators.

Nakagawa et al also teaches the conventional use of low water soluble tetracetyl ethylene diamine (TAED) which is a N-acetyl type bleach activator, see abstract, column 2, lines 1-29, Tables, and claims.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Nakagawa et al to O-acetyl and N-acetyl bleach activators for inorganic peroxides, such as percarbonates, as motivation to actually add them as bleaching activators to the chemical and biological neutralization formulations taught by WO for the oxidation enhancement benefits such activators would provide for WO's oxidizing reactive component and the formulations as a whole.

16. Claims 11, 26, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadros et al. U.S. Patent No. 6,566,574 or Tucker et al. U.S. Patent Number 6,723,890 or Tadros et al. WO 02/02192 A1, all said patents individually in view of Nakagawa et al US Patent number 3,901,819 and further in view of Huth et al. U.S. Patent Number 6,448,062.

All said patents have been described above except for Huth et al.. This rejection builds on the rejections made above. The primary patents all differ from applicant's claimed invention in that there is no direct disclosure to the further addition of polyol drying agents such as sorbitol.

Huth et al. teach a composition for simultaneous cleaning and decontaminating a device. The composition is a per-compound oxidant in an amount effective for decontaminating the device and an enzyme in an amount effective for cleaning the device. The device may be a medical device such as an endoscope or kidney dialyzer and a plurality of devices can be cleaned using the same composition. The composition may additionally contain a corrosion inhibitor in an amount effective to prevent corrosion of a metal, a chelator, a buffer, a dye and combinations thereof, see abstract, examples and claims. Huth et al directly discloses that it is well known in the art to use polyols, such as sorbitol, as drying agents in decontamination compositions, see column 20, lines 26-41.

It would have been obvious to one having ordinary skill in the art to use the disclosure of Huth et al to polyol drying agents for decontamination formulations as motivation to actually added polyols, such as sorbitol, to the decontamination formulations taught by the primary references for the benefits that such drying agents would effect in said decontamination formulations.

17. Claims 27, 29, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kresanoski U.S. Patent Number 3,852,210.

Krezanoski teaches a stable liquid concentrate comprises about 0.1-50% of an active oxygen yielding compound, about 0.5-50% of a sulfobetaine or betaine surfactant, about 1-50% of a nonionic polyoxyethylene-polyoxypropylene block copolymer surfactant, and 10-80% water. The concentrate exhibits a loss of active

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oxygen of as little as 6.7% after 675 days and has utility as a bleaching and cleaning composition. The composition can be diluted with pure or ordinary tap water. Applicant's claims are deemed to be anticipated over Example 1.

18. Claims 17, 20, 25, 27, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy et al. U.S. Patent Number 4,853,143 or Hardy et al. U.S. Patent Number 4,536,314.

Both Hardy et al patents teach bleach activator, bleach and detergent compositions comprising: (a) a peroxyacid bleach precursor having the general formula I "Ac—L" wherein Ac is the acyl moiety of an organic carboxylic acid comprising an optionally substituted, linear or branched C.sub.6 -C.sub.20 alkyl or alkenyl moiety or a C.sub.6 -C.sub.20 alkyl-substituted aryl moiety and L is a leaving group, the conjugate acid of which has a pKa in the range from 4 to 13, and (b) an antioxidant. The compositions combine excellent stability, substrate-safety, water-dispersibility, granulometry and detergency performance, see abstract, column 11, lines 3-59 and column 12, lines 58-69 of '143. Applicant's claims are deemed to be anticipated over Example 5 of '143, and over Examples 3-5 and 7-8 of '314.

19. Claims 18-19 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. U.S. Patent Number 4,853,143.

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Hardy et al has been described above and differs from applicant's claimed invention in that there is no a direct teaching (i.e. by way of an example) to where one of applicant's particularly claimed inorganic carbonate salt species is used and wherein applicant's benzalkonium chloride cationic surfactant species is used.

It would have been obvious to one having ordinary skill in the art to use applicant's particularly claimed inorganic carbonate salt species as well as applicant's benzalkonium chloride cationic surfactant species since such come directly within the broad disclosure of the patent as set forth in column 11, lines 3-59 and column 12, lines 58-69.

Double Patenting

20. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

21. Claims 1-10, 17-21, 25, 27-31, 33, 35, and 37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,566,574 ***and*** over claims 1-13 and 40-57 of U.S.

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Patent Number 6,723,890, both patents in individually view of Nakagawa et al US

Patent Number 3,901,819. All said patents have been described above and applicant's pending claims are deemed to be obvious over the claims of the primary patents in view of the secondary patent for the same reasons given by the examiner in the 35 USC 103 rejection above.

22. Claims 1-11, 17-21, 25-31, 33-35 and 37-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17, 20-23, and 41-50 of copending Application No. 10/251,569. Although the conflicting claims are not identical, they are not patentably distinct from each other because there is massive overlap in the scope of the claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

23. Claims 1-11, 17-21, 25-31, 33-35 and 37-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/765,678. Although the conflicting claims are not identical, they are not patentably distinct from each other because there is massive overlap in the scope of the pending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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24. Claims 1-11, 17-21, 25-31, 33-35 and 37-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/740,317. Although the conflicting claims are not identical, they are not patentably distinct from each other because there is massive overlap in the scope of the pending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

25. Claims 1-11, 17-21, 25-31, 33-35 and 37-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/850,802. Although the conflicting claims are not identical, they are not patentably distinct from each other because there is massive overlap in the scope of the pending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

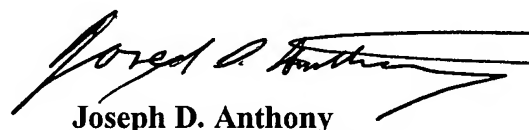
Prior-Art Cited But Not Applied

26. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention.

Examiner Information

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (703) 872-9306. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
Art Unit 1714

6/13/05